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Order Regarding Motion for Sentence Reduction

## UNITED STATES DISTRICT COURT

NORTHERN

District of NEW YORK

UNITED STATES OF AMERICA

ORDER AND AMENDED JUDGMENT  
REGARDING MOTION FOR SENTENCE  
REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

V.

NYRON NICHOLSON

Case Number: 5:03-cr-60-003 (DNH)

USM Number: 11918-052

Date of Previous Judgment: January 31, 2005

Pro Se

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_ months is reduced to     months    .

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 34

Amended Offense Level: \_\_\_\_

Criminal History Category: VI

Criminal History Category: \_

Previous Guideline Range: 322 to 387 months

Amended Guideline Range: \_\_\_\_ to \_\_\_\_ months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

## III. ADDITIONAL COMMENTS

Defendant's original sentence was a departure from the guidelines and a reduction in the guideline range would not result in a sentence less than the original 84 (42 months on Cts 1 & 8 to be served consecutively) months imposed.


All provisions of the judgment dated January 31, 2005 shall remain in effect.

IT IS SO ORDERED.

July 9, 2008

Order Date

Effective Date (if different from order date)

  
 David N. Hurd  
 District Judge